

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION

IN RE

Donald R. Frady, Jr.

DEBTOR.

) Case No. 10-12325

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) Chapter 7

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**ORDER FOR RELIEF FROM THE AUTOMATIC STAY**

This matter came on before the undersigned United States Bankruptcy Judge upon the Motion for Adequate Protection and to Modify Stay (the "Motion") filed by U.S. Bank, National Association (the "Creditor") to exercise its state law rights with respect to certain real property (the "Real Property") located at 2675 Law Road, Pelham, NC 27311 and more fully described in the Motion. The Court having considered the Motion and the record in the case finds and concludes as follows:

1. The Creditor filed the Motion on March 28, 2011.
2. The Clerk of the Bankruptcy Court mailed a Notice to interested parties on March 29, 2011 that any objection to the Motion must be filed with the Court by April 10, 2011 and if no objections were filed within that time period, then the Court would consider the Motion without a hearing.
3. No objection to the Motion was filed by any interested party, and the time within which objections must be filed as set forth in the Notice has expired.
4. Cause exists for modification of the automatic stay afforded by § 362 of the Bankruptcy Code.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, AND DECREED that the Motion is granted, and the automatic stay afforded by § 362 is modified to allow the Creditor to exercise its state law rights with respect to the Real Property.

IT IS FURTHER ORDERED that Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is waived and that the Creditor may immediately enforce and implement this Order.

IT IS FURTHER ORDERED that if a sale of the Real Property is held and excess proceeds are derived, then such proceeds shall be deposited with the Chapter 7 Trustee in this case.

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PARTIES OF INTEREST

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